

### **REMARKS/ARGUMENTS**

The Applicant respectfully submits that none of the applied references either teach or suggest at least "automatically determines a busy or nonresponsive state of the subscriber in response to an incoming communication from a terminal" as recited in the amended claims.

For example, in Matern et al. (U.S. Patent No. 5,592,473), hook-flashing is disclosed. However, hook-flashing requires a manual intervention by the user, whereas the Applicant's invention operates automatically. Additionally, the Applicant's claimed invention provides a higher level of functionality than manual hook-flashing provides. Furthermore, none of the other applied references appear to disclose or suggest at least this feature.

Therefore, for at least the reasons presented above, it is respectfully submitted that the rejections be withdrawn and that all the pending claims be allowed, including both the newly amended independent claims and the dependent claims that depend from these claims.

### **CONCLUSION**

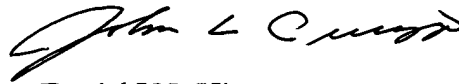
In view of the foregoing amendments and remarks, it is respectfully submitted that the application is in condition for allowance. If the Examiner believes that any additional changes would place the application in better condition for allowance, the Examiner is invited to contact the undersigned attorney, **John L. Ciccozzi**, at the telephone number listed below. Favorable consideration and prompt allowance are earnestly solicited.

Serial No. 09/658,134  
Amdt. dated August 20, 2003  
Reply to Office Action of March 20, 2003

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To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this, concurrent and future replies, including extension of time fees, to Deposit Account 16-0607 and please credit any excess fees to such deposit account.

Respectfully submitted,  
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